

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EMERSON RADIO CORPORATION,

Plaintiff,

v.

Civil Action No. 1:20-cv-1652-GBW

**EMERSON QUIET KOOL CO. LTD. and
HOME EASY LTD.,**

Defendants.

[PROPOSED] FINAL JUDGMENT

WHEREAS on April 19, 2022 the Court entered an Order Granting Entry of Default Judgment [D.I. 247] (the “April 19, 2022 Order”) pursuant to Fed. R. Civ. P. 55(b) that: (a) entered default judgment “in favor of Plaintiff and against all Defendants on all the claims Plaintiff asserts in the First Amended Verified Complaint (D.I. 30)” and (b) granted other relief including but not limited to the entry of a permanent injunction against Defendants and others identified in the April 19, 2022 Order and fixed an award of \$6,500,000.00 in disgorgement of Defendants’ wrongful profits;

WHEREAS, the April 19, 2022 Order also provided that “[f]ollowing entry of this Order, Plaintiff may file motions seeking enhancement of these damages and/or a motion for recovery of its attorneys’ fees, as permitted under 15 U.S.C. § 1117” [D.I. 247 at ¶ 18];

WHEREAS, on May 23, 2022, Plaintiff filed a Motion for Enhanced Damages, Attorneys’ Fees, and to Enter Final Judgment [D.I. 260];

WHEREAS, on August 3, 2023, the United States Court of Appeals for the Third Circuit issued its mandate affirming the April 19, 2022 Order [D.I. 286]; and

WHEREAS on September 29, 2023 the Court entered an Order granting Plaintiff's Motion for Enhanced Damages, Attorneys' Fees, and to Enter Final Judgment and ordering Plaintiff to file a proposed final judgment [D.I. 288] (the "September 29, 2023 Order").

THEREFORE, pursuant to the April 19, 2022 Order [D.I. 247] and the September 29, 2023 Order [D.I. 288], final judgment is hereby entered in favor of Plaintiff and against the Defendants as follows:

1. IT IS ORDERED AND ADJUDGED, that the Court having entered default judgment against Defendants Emerson Quiet Kool Co. Ltd. and Home Easy Ltd. in the April 19, 2022 Order [D.I. 247], which is incorporated herein, final judgment is hereby entered in favor of Plaintiff on all issues resolved by the April 19, 2022 Order;

2. IT IS FURTHER ORDERED AND ADJUDGED, that final judgment is hereby entered in favor of Plaintiff and against Defendants with respect to Plaintiff's claim that this case is exceptional under 15 U.S.C. § 1117(a);

3. IT IS FURTHER ORDERED AND ADJUDGED, that final judgment is hereby entered in favor of Plaintiff and against Defendants with respect to Plaintiff's claim for an award of attorneys' fees under 15 U.S.C. § 1117(a);

4. IT IS FURTHER ORDERED AND ADJUDGED, that final judgment is hereby entered in favor of Plaintiff and against Defendants with respect to Plaintiff's claim for enhanced damages under 15 U.S.C. § 1117(a);

5. IT IS FURTHER ORDERED AND ADJUDGED, that final judgment is hereby entered in favor of Plaintiff and against Defendants in the amount of \$10,359,000.00, which amount includes the following sums:

a. \$6,500,000.00 in disgorgement of Defendants' wrongful profits,

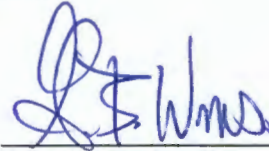
- b. \$3,159,000.00 in attorneys' fees, and
- c. \$700,000.00 in enhanced damages.

6. IT IS FURTHER ORDERED AND ADJUDGED, that Defendants shall pay Plaintiff post-judgment interest at the statutory interest rate pursuant to 28 U.S.C. § 1961 beginning: (a) on April 19, 2022 as to the \$6,500,000.00 in disgorgement of Defendants' wrongful profits awarded pursuant to the April 19, 2022 Order and (b) on September 29, 2023 as to the \$3,159,000.00 in attorneys' fees and \$700,000.00 in enhanced damages awarded pursuant to the September 29, 2023 Order; and ending the day upon which Defendants fully satisfy this final judgment;

7. IT IS FURTHER ORDERED AND ADJUDGED, that this Court shall maintain continuing jurisdiction over any dispute, action, or proceeding arising out of or relating to this final judgment, including without limitation the ongoing contempt proceedings ordered in the Court's September 29, 2023 Order; and

8. IT IS FURTHER ORDERED AND ADJUDGED, that the Court expressly directs the Clerk to enter this FINAL JUDGMENT on the docket.

Date: October 16, 2023



The Honorable Gregory B. Williams
United States District Judge